

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

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HILLSIDE PRODUCTIONS, INC., GARY  
RONCELLI and JOSEPH VICARI,

Plaintiffs/Counter-Defendants,

v.

Case No. 06-11566

COUNTY OF MACOMB

Defendant/Counter-Plaintiff.

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**ORDER CONCERNING PRETRIAL MOTIONS**

On April 8, 2008, the court heard argument from counsel with respect to several pending pretrial motions. For the reasons stated on the record, the court orders as follows.

IT IS ORDERED that Defendant's motions *in limine* to limit certain trial testimony [Dkt. ##195 &196] are DENIED WITHOUT PREJUDICE.

IT IS FURTHER ORDERED that Plaintiffs' motion *in limine* to preclude emotional appeal to the jurors as taxpayers [Dkt. # 200] is GRANTED IN PART and DENIED IN PART. The motion is GRANTED with respect to improper appeals to emotion. It is DENIED in all other respects.

IT IS FURTHER ORDERED that Plaintiffs' motion *in limine* to preclude any reference to the financial condition of Defendant [Dkt. # 201] is GRANTED IN PART and DENIED IN PART. The motion is GRANTED to the extent that it concerns the

argument that the jury should grant no award because of Defendant's current or expected financial condition. It is DENIED in all other respects.

IT IS FURTHER ORDERED that Plaintiff's motion *in limine* to preclude any reference to *Hillside Productions, Inc., et al. v. Duchane, et al.* [Dkt. # 202] is GRANTED IN PART and DENIED IN PART. It is GRANTED to the extent that it concerns precluding the argument that Plaintiffs should receive no award because of an earlier award in a separate case. It is DENIED in all other respects.

IT IS FURTHER ORDERED that Defendant's motion *in limine* to dismiss the individual Plaintiffs [Dkt. # 204] is DENIED WITHOUT PREJUDICE.

IT IS FURTHER ORDERED that Plaintiffs' motion *in limine* to preclude Defendant from asserting that actions or statements were *ultra vires* [Dkt. # 206] is DENIED WITHOUT PREJUDICE.

IT IS FURTHER ORDERED that Plaintiffs' motion *in limine* to limit evidence, testimony and argument to breach of contract counterclaims as plead in amended counterclaim [Dkt. # 209] is DENIED WITHOUT PREJUDICE.

IT IS FURTHER ORDERED that Defendant's motions for sanctions [Dkt. ## 198 & 203] are TAKEN UNDER ADVISEMENT. Defendant is authorized to instruct its experts, if any, to review any available relevant material, particularly with respect to allegations concerning Plaintiffs' packaging of various advertising goods and services. If appropriate, Defendant may later seek to present its evidence and conclusions for the benefit of the jury or the court.

IT IS FURTHER ORDERED that Plaintiffs' motion for sanctions [Dkt. # 210] is GRANTED IN PART and DENIED IN PART. The motion is GRANTED with respect to indoor events and their associated parking revenues. Defendant has averred that any existing documents reflecting parking revenues have already been produced in connection with Board minutes. Defendant is admonished to again review its records concerning documentation of such contracts and events, and to expeditiously disclose or point out to Plaintiffs all relevant documents, or, if there are none, file a declaration to that effect. The motion is otherwise DENIED, particularly with respect to outdoor events and their associated "vendor" fees, which do not encompass "parking" revenue.

S/Robert H. Cleland  
ROBERT H. CLELAND  
UNITED STATES DISTRICT JUDGE

Dated: April 9, 2008

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, April 9, 2008, by electronic and/or ordinary mail.

S/Lisa Wagner  
Case Manager and Deputy Clerk  
(313) 234-5522